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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,285	03/31/1999	DAVID FEINLEIB	MS1-288US	8387
22801	7590	01/18/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 01/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/282,285

Applicant(s)

FEINLEIB ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 44-63 been considered but are moot in view of the new ground(s) of rejection.

Claims 1-43 have been canceled.

Claim Objections

2. Claims 46- 48, 50, 51, 55-56, 58 are objected to because of the following informalities:

In claim 46, line 5, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 47, line 4, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 48, lines 4-6, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 50, line 2, the phrase "the streaming content" should be replaced as – the streamed content.

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In claim 51, line 2, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 55, lines 5-6, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 56, line 5, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 58, line 2, the phrase "the streaming content" should be replaced as – the streamed content.

In claim 60, lines 5-6, the limitation "the streaming content" should be replaced as- a streaming content.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 44-45, 48, 50-51, 53-54, 58, 60-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al. (US 6,240,555 B1).

Regarding claim 44, Shoff teaches a method, comprising:

receiving streamed content (receiving continuous video stream by viewer computing unit 62 –col. 7, lines 50-55);

receiving enhancing content that corresponds to the streamed content (receiving supplemental content, digital data and layout instruction that correspond to the continuous stream – col. 7, line 55-col. 8, line 3; col. 9, line 66-col. 10, line 58). Shoff further discloses determining if the program is interactive, if not, displaying only continuous content (col. 9, lines 1-8). Shoff additionally discloses the timing information and the display layout control the synchronization and presentation of supplemental content with the video content (col. 10, lines 1-58). Inherently, the method comprising determining if the enhancing content includes each file needed for proper displaying of the enhancing content with the streamed content, and if not, displaying the stream content without the enhancing content (for example, determining if there is proper timing information for synchronization of supplemental content with continuous content, if not, displaying only continuous content).

Regarding claim 45, Shoff teaches displaying, based on the determining, the enhancing content with the streamed content if the received enhancing content includes each file needed for proper display of the enhancing content (displaying supplemental content

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with continuous content if there is proper timing information for synchronization supplemental content and continuous content –col. 10, lines 1-58).

Regarding claim 48, Shoff further discloses the enhancing content comprises triggers (e.g. timing information) and data files (e.g. files for supplemental content, layout instruction, etc. col. 10, lines 1-58). The method comprising:
receiving the data files (col. 7, line 60-col. 8, line 3) ; and
receiving the triggers at times in synchronization with the streaming content, the triggers causing operation involving the data files in order to timely introduce the enhancing content with the streaming content (receiving timing information to timely synchronizing supplemental content with program content –col. 10, lines 1-58).

Regarding claim 50, Shoff et al. discloses the receiving comprises receiving the streaming content (continuous content) and the enhancing content in a composite stream of one source (22- see col. 10, lines 18-24 or figure 4).

Regarding claim 51, Shoff et al. discloses the receiving comprises receiving the streaming content (continuous content) from a first source (22) and receiving enhancing content from a second source (ISP host 86) different from the first source (see figure 4 and col. 7, lines 51-55).

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Regarding claim 53, Shoff discloses viewer-computing unit is operated by a computer program (col. 8, lines 5-55). Inherently, the computer readable medium comprising computer executable instruction for performing the method as recited in claim 44.

Regarding claims 54, 58 the limitations of computer readable system as claimed correspond to the limitation of the method as claimed in claims 44, 50, and are analyzed as discussed with respect to the rejection of claims 44 and 50.

Regarding claim 60, the system as claimed correspond to the method as claimed in claim 44, and are analyzed as discussed with respect to the rejection of claim 44, wherein the claimed content server and the claimed client are met by server 22 and viewer computing unit 62 respectively (figure 4).

Regarding claim 61, Shoff teaches the content server (22) delivers the streaming content (continuous content) and the enhancing content (supplemental content, digital data, etc – figure 4).

Regarding claim 62, Shoff discloses the continuous data and supplemental data are received by the viewer computing unit. The digital data further defines timing information to synchronize presentation of the supplemental content with the video content program (col. 10, lines 1-58), and displaying video content program if the video content program is determined not interactive (col. 9, lines 1-8). Inherently, the client is configured to

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display the streaming content (video content program/continuous content) without the enhancing content if the enhancing content does not includes each file needed for proper display (for example, data field is missing, or timing information is missing, etc. displaying only video content program).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 46-47, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) and in view of Birdwell et al. (US 6,108,706).

Regarding claim 46, Shoff teaches a method as discussed in the rejection of claim 44. Shoff further teaches receiving an announcement (data structure 48) containing information (58) specifying how to receive upcoming multicast enhancing content, the announcement being sent at a time prior to sending the enhancing content, the enhancing content associated with the streaming content (see figure 3 and col. 7, lines 1-8). However Shoff et al. does not specifically disclose the data structure is received on

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a monitored address containing information specifying when to receive upcoming enhancing content.

Birdwell teaches receiving an announcement on a monitored address (monitoring the multicast address – col. 2, lines 6-32) containing information specifying how and when to receive upcoming data transmission (broadcast locator, identity of the content server that will be serving the data for the transmission, a time of transmission, a broadcast protocol, etc. col. 1, line 65-col. 2, line 32; col. 5, lines 10-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Birdwell in order to increase security of the receiver and notify user in advance the time to receive data transmission.

Regarding claim 47, Shoff et al. in view of Birdwell teaches a method as discussed in the rejection of claim 46. Birdwell further teaches the announcement contains parameters selected from a group comprising: a broadcast locator, a time of transmission, a broadcast protocol, etc. (col. 1, line –65-col. 2, line 32).

Regarding claims 55-56, the limitations of the computer readable system as claimed correspond to the limitations of the method as claimed in claims 46-47, and are analyzed as discussed with respect to the rejection of claims 46-47.

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7. Claims 52, 59, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) as respectively applied to claims 44, 54, 60 above, and in view of Nawaz et al. (US 6,421,694).

Regarding claim 52, Shoff teaches a method as discussed in the rejection of claim 44. However, Shoff does not specifically disclose displaying the enhancing content as a ticker.

Nawaz teaches displaying the enhancing content as a ticker (see figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Nawaz in order to display multiple enhancing contents at a predetermined limited space on screen.

Regarding claims 59,63, the limitation of the system as claimed correspond to the limitations of the method as claimed in claim 52, and are analyzed as discussed with respect to the rejection of claim 52.

8. Claims 49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) as respectively applied to claims 48, 54 above, and in view of Stern (US 2002/0069113).

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Regarding claim 49, Shoff teaches a method as discussed in the rejection of claim 44. Shoff further discloses the enhancing content further comprises dependency files (i.e. files that contain digital data and display layout information –col. 10, lines 1-58) that contain instructions to present content contained in the data files, the method further comprising delivering the data files together with the dependency files (col. 9, line 65-col. 10, line 58). However, Shoff does not specifically disclose using CAB file format.

Stern discloses using CAB file format (par. 0154). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Stern in order to provide an alternative way to reduce bandwidth used to transmit data.

Regarding claim 57, the limitation of the system as claimed correspond to the limitations of the method as claimed in claim 49, and are analyzed as discussed with respect to the rejection of claim 49.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Picco et al. (US 6,029,045) teaches system and method for inserting local content into programming content.

Goodman et al. (US 6,427,238) teaches module manager for interactive television system.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
January 1, 2005


HALTRAN
PRIMARY EXAMINER